

#### Before the

## Federal Communications Commission

Washington, D.C. 20554

In the Matter of	)
	)
CLEARVOCAL, Inc.	)
Application Under Section 214	) File No. TC
Of the Communication Act of 1934,	)
	)
As Amended, for Global Authority	)
	)
For the Provision of Global or	)
Limited Global	)
Facilities-Based, Global or	)
Limited Global Resale Authority	)
International Switched, Inmarsat	)
and Mobile Satellite Service and	)
Private Line Services, Individual	)
Facilities-Based and Resale Service	)
Individual Switched Resale Service	)
	)
Between the U.S. and Various	)
International Points	)

## APPLICATION

CLEARVOCAL, Inc. ("CLEARVOCAL" or "Applicant"), by its attorneys and pursuant to Section 214 of the Communications Act of 1934, as amended ("the Act"), 47 U.S.C. 214, hereby requests global authority to (1) operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18 (e)(1) of the Commission's Rules, 47 C.F.R. 63.18 (e)(1), to all foreign points as authorized by the Commission and (2) operates as a resale carrier pursuant to the terms and conditions of Section 63.18 (e)(2) of the Commission's Rules to all foreign points as authorized by the Commission. 47 C.F.R. 63.18 (e)(2). CLEARVOCAL has no affiliation with any foreign carrier in any of the destination countries for which authority is requested nor is CLEARVOCAL affiliated with any dominant U.S. carrier whose services CLEARVOCAL may resell. Thus, pursuant to Section 63.10 (a)(1) of the Commission's Rules, 47 C.F.R. 63.10 (a)(1), CLEARVOCAL should be classified as a non-dominant carrier in its provision of international service on all routes. Furthermore, as explained herein, this Application is entitled to

streamlined processing under Section 63.12 of the Commission's Rules. 47 C.F.R. 63.12. According to the FCC's fee schedule, Fee Code CUT, a check in the amount of (applicable fee) is attached hereto.

In support of its request for authority, CLEARVOCAL submits the following information pursuant to Section 63.18 of the Commission's Rules, 47 C.F.R. 63.18.

(a) The name, address and telephone number of the Applicant is:

CLEARVOCAL, Inc.
7154 N. University Drive, Suite 142
Tamarac, Florida 33321
(954) 797-3000

- (b) CLEARVOCAL is a corporation organized under the laws of the state of Florida.
- (c) Correspondence concerning this Application should be addressed to:

JP DeJoubner, CEO CLEARVOCAL, Inc. 6601 NW 14<sup>th</sup> Street, Suite 11 Plantation, Florida 33313 (786) 877-3800

with copies to:

CLEARVOCAL, Inc.
7154 N. University Drive, Suite 142
Tamarac, Florida 33321
(954) 797-3000

- (d) CLEARVOCAL has not previously received Section 214 authority from the Commission.
- (e) CLEARVOCAL is applying for authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18 (e)(1), of the Commission's Rules 47 C.F.R. 63.18 (e)(1) and as a resale carrier pursuant to the terms and conditions of Section 63.18 (e)(2) of the Commission's Rules. 47 C.F.R. 63.18 (e)(2). CLEARVOCAL requests authority to serve all countries permitted under a grant of global authority. As evidenced by the certification provided in Attachment A, CLEARVOCAL will comply with the terms and conditions contained in Section 63.21, 63.22 and 63.23 of the Commission's Rules. 47 C.F.R. 63.21-.23.
- (f) At this time, Applicant does not seek authority to provide service not referenced under paragraph (e) of Section 63.18 of the Commission's Rules. 47 C.F.R. 63.18 (e).
- (g) CLEARVOCAL will use previously authorized facilities to provide the services requested by the Application. Consequently, CLEARVOCAL is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules. 47 C.F.R. 1.1306.
- (h) CLEARVOCAL is 90 percent owned by JP DeJoubner ("DeJoubner"), an individual, and two other individuals. No entity or individual other than DeJoubner has 10 percent or more ownership interest in CLEARVOCAL.

The address of JP DeJoubner, 6601 NW  $14^{\rm th}$  Street, Suite 11, Plantation, Florida 33313.

- (i) As evidenced by the certification attached hereto as Attachment A, CLEARVOCAL is not affiliated with a foreign carrier.
- (j) As evidenced by the certification attached hereto as Attachment A, CLEARVOCAL does not seek to provide international telecommunications service to any destination where: (1) CLEARVOCAL is a foreign carrier in that country; (2) CLEARVOCAL controls a foreign carrier in that country; (3) any entity that owns more than a 25% interest in CLEARVOCAL, or controls CLEARVOCAL, controls a foreign carrier in that country; or (4) two or more parties own, in the aggregate, more than 25% of CLEARVOCAL and are parties to, or the beneficiaries of, a contractual relationship that affects the provision or marketing of international basic telecommunications services in the United States.
- (k) Not applicable; CLEARVOCAL is not affiliated or otherwise related to any foreign carrier on any of the routes which CLEARVOCAL proposed to provide service in this Application.
- (1) Not applicable; CLEARVOCAL is not a foreign carrier and is not affiliated with a foreign carrier on any of the routes it proposes to resell international telecommunications service.
- (m) Not applicable; CLEARVOCAL is not affiliated with any foreign carrier on may of the routes it proposes to provide services.
- (n) As evidenced by the certification provided in Attachment A, CLEARVOCAL has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
- (o) As evidenced by the certification provided in Attachment A, no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) CLEARVOCAL respectfully requests streamlined processing of this Application pursuant to Section 63.12 of the Commission's Rules. 47 C.F.R. 63.12. This Application qualifies for streamlined processing for the following reasons: (1) CLEARVOCAL is not affiliated with a foreign carrier on any route for which authority is sought; (2) CLEARVOCAL is not affiliated with any dominant U.S. carrier whose international switched or private lines services it seeks to resell; and (3) CLEARVOCAL is not requesting authority to provide switched service over private lines to countries not previously authorized for service by the Commission.

Wherefore, CLEARVOCAL respectfully requests that the Commission grant it authority to provide international telecommunications services on a facilities and resale basis pursuant to Section 214 of the Communications Act of 1934, as amended.

Respectfully submitted,

CLEARVOCAL, Inc.

# By: JP DeJoubner \_\_\_\_\_

JP DeJoubner, CEO CLEARVOCAL, Inc. 6601 NW 14<sup>th</sup> Street, Suite 11 Plantation, Florida 33313 (786) 877-3800

Date: November 26, 2003 \_\_\_\_

## CERTIFICATE

The undersigned hereby certifies, on behalf of CLEARVOCAL, Inc. ("CLEARVOCAL") with respect to the foregoing application for authority to provide international services, that:

- 1. CLEARVOCAL is not affiliated with any foreign carrier in any of the countries to which CLEARVOCAL proposes to provide service in the foregoing application.
- 2. CLEARVOCAL will comply with the terms and conditions contained in Section 63.21, 63.22 and 63.23 of the Commission's Rules. 47 C.F.R. 63.21-.23.
- 3. CLEARVOCAL does not seek to provide international telecommunications service to any destination where: (1) CLEARVOCAL is a foreign carrier in that country; (2) CLEARVOCAL controls a foreign carrier in that country; (3) any entity that owns more than a 25% interest in CLEARVOCAL, or controls CLEARVOCAL, controls a foreign carrier in that country; or (4) two or more parties own, in the aggregate, more than 25% of CLEARVOCAL and are parties to, or the beneficiaries of, a contractual relationship that affects that provision or marketing of international basic telecommunications services in the United States.
- 4. CLEARVOCAL has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
- 5. No party to this application is subject to a denial for Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853 (a).

By: JP DeJoubner	
Title: Chief Executive Officer	
Date:	November 26, 2003